IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 5205 of 2005

Between:

1 Syed Tajuddin S/o. Syed Mohinuddin
R/o. H.No. 1-5-485/1, Azampura, Hyderabad.
2 Athar Irfan Qureshi S/o. Late Kazim Qureshi
R/o. H.No. 17-6-33, Dabeerpura, Hyderabad.
3 Mohammed Ashfaq Khan S/o. Late Md. Ismail Khan
R/o. H.No. 18-8-187/22, Indira Nagar, Phisalband, Hyderabad.

..... PETITIONERS

AND

1 A.P. Transco, Vidhyuth Soudha, Hyderabad.
Rep. by its Chairman & Managind Director.
2 Assistant Divisional Engineer, Distribution XII, City-VIII, APCPDCL,
Santoshnagar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, Order or Direction, one more particularly in the nature of a writ of "Mandamus" declaring the action of the respondents 1 & 2 in not receiving the petitioners' application for sanction of power supply and releasing electricity connection in respect of the petitioners property at H.No. 18-8-143 to 146, Phisalbanda, Hyderabad on completely untenable and unsustainable grounds of a case of pilferage pending against erstwhile owner as illegal, arbitrary and unconstitutional and consequently direct the respondents to release power supply to the petitioners property at H.No. 18-8-143 to 146 situated at Phisalbanda, near Dargah Hasan Shah Sahed, Hyderabad without reference to the pilferage case against the erstwhile owner of the said premises, and pass such further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.S.NIRANJAN REDDY

Counsel for the Respondents: MR.V.AJAYAKUMAR

The Court at the stage of admission made the following :

***ORAL ORDER*:**

Heard both sides. Perused the material placed before me.

The grievance of the petitioners is that despite the fact that they are the subsequent purchasers of the house by virtue of two registered sale deeds, the application made by them seeking electricity power supply is not being considered by the respondents, merely on the ground that there was a complaint lodged against the earlier owner for pilferage of power supply, and the same is still pending.

It is an admitted fact from both sides that a crime in respect of pilferage of electricity has been pending against the previous owner of the said premises. But that cannot be a basis for the respondents to refuse the representation purported to have been made by the petitioners for supply of electricity to the house, which they said to have purchased under two registered sale deeds.

Under those circumstances, suffice it to close the writ petition with a direction to the respondents to consider the application made by the petitioners to give power supply to the said premises, ignoring the complaint made against the earlier owner, of course, after verifying the sale deeds standing in favour of the petitioners, and if they are otherwise eligible, as expeditiously as possible.

With the above direction, the writ petition is disposed of at the stage of admission. No costs.

Kvsn 16-03-2005

To

1 A.P. Transco, Vidhyuth Soudha, Hyderabad.
Rep. by its Chairman & Managind Director.
2 Assistant Divisional Engineer, Distribution XII, City-VIII, APCPDCL,
Santoshnagar, Hyderabad.

3 Two CDs.